

MINUTES OF THE CITY OF BURLINGTON  
CITY COUNCIL MEETING  
JULY 20, 2010

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on July 20, 2010, at 7:00 p.m.

Mayor Ronnie K. Wall presided

Councilmembers Present: Mayor Wall, Councilmembers Huffman,  
Butler, Ross and Faucette

Councilmembers absent: None

Harold Owen, City Manager: Present

Robert M. Ward, City Attorney: Present

Jondeen D. Terry, City Clerk: Present

INVOCATION: Councilmember Jim Butler

APPROVAL OF MINUTES: July 6, 2010 - City Council Meeting

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Faucette, it was resolved unanimously to approve the minutes of the meeting held on July 6, 2010.

ADOPTION OF AGENDA

Upon motion by Councilmember Butler, seconded by Councilmember Ross, it was resolved unanimously to adopt the agenda.

CONSENT AGENDA:

ITEM 1:

- A) To approve a correction in the Auburn Springs and Auburn Trace Contiguous Voluntary Annexation ordinance due to a clerical error in a date in Section 2 of the original ordinance.

CORRECTED

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF BURLINGTON, NORTH CAROLINA

WHEREAS, on May 18, 2010, the City Council adopted an ordinance to extend the corporate limits of the City of Burlington, North Carolina; and

WHEREAS, on May 26, 2010, said ordinance was recorded in Deed Book 2915 at Page 347 in the office of the Alamance County Register of Deeds; and,

WHEREAS, through inadvertence, said ordinance contained a clerical error in Section 2, line 1 showing an incorrect date of May 18, 2008, and said date should have been May 18, 2010; and

WHEREAS, the City of Burlington by its City Council authorized the correction of this error on the 20th day of July, 2010; and

WHEREAS, the full text of said ordinance is hereinafter set forth with the correct date.

Section 1. By virtue of the authority granted by G.S. 160A-31 the following described territory is hereby annexed and made part of the City of Burlington as of May 18, 2010, at 11:59 pm:

Auburn Springs and Auburn Trace Contiguous Voluntary Annexation

A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, bounded on the north by the right-of-way line of Crouse Lane, bounded on the east by WKS Corporation and by BB&T, bounded on the south by Cody Mitchell Perry and Debra Isley property and bounded on the west by property owned by Kirkpatrick Professional Center, Kirkpatrick I, LLC, and Alamance Eye Real Estate, LLC, and being more particularly described as follows:

Lot 1 - Auburn Springs Housing Associates, LLC

BEGINNING at an iron pipe in the southern margin of Crouse Lane (SR 1163), said iron pipe being the northeast corner of the Kirkpatrick Professional Center, LLC, property described in Deed Book 1662, Page 781, of the Alamance County Register of Deeds; running thence S 81° 47' 03" E for a distance of 598.79 feet to an

iron pipe, said point being the northwest corner of the Auburn Trace Housing Associates, LLC, property as described in Deed Book 2411, Page 828, of the Alamance County Register of Deeds; thence, S 08° 12' 57" W for a distance of 40.00 feet along the Auburn Trace line to a nail set in the pavement; thence, S 07° 07' 54" E for a distance of 47.86 feet to an iron pipe; thence, S 02° 43' 10" W for a distance of 64.49 feet to an iron pipe; thence, S 35° 54' 27" W for a distance of 93.34 feet to an iron pipe; thence, N 87° 16' 50" W for a distance of 96.48 feet to an iron pipe, said iron pipe being the northeast corner of the Evergreen Construction Company property described in Deed Book 2414, Page 648, of the Alamance County Register of Deeds; thence, S 79° 47' 14" W for a distance of 200.14 feet to an iron pipe, said iron pipe being the northwest corner of the Evergreen Construction Company property; thence N 35° 07' 50" W a distance of 420.09 feet along the Kirkpatrick property line to an iron pipe being the POINT OF BEGINNING and more particularly describing a 2.88 acre tract of land.

Lot 2 - Auburn Trace Housing Associates, LLC

BEGINNING at an iron pipe in the southern margin of Crouse Lane (SR 1163), said iron pipe being the northeast corner of the Auburn Springs Housing Associates, LLC, property described in Deed Book 2411, Page 835, of the Alamance County Register of Deeds; running thence S 81° 47' 03" E for a distance of 89.95 feet to an iron pipe; thence along a curve having a bearing of S 87° 55' 54" E, a radius of 634.10 feet, and for a distance of 141.46 feet to an iron pipe along said right-of-way, said point being the northwest corner of the Evergreen Construction Company property described in Deed Book 2158, Page 434, of the Alamance County Register of Deeds; thence, S 04° 35' 38" E for a distance of 40.00 feet to an iron pipe on the Evergreen line; thence, S 14° 28' 45" W for a distance of 111.51 feet to an iron pipe on said line; thence, N 87° 16' 50" W for a distance of 88.70 feet to an iron pipe on said line; thence, S 03° 20' 26" W for a distance of 192.69 feet to a point marked on a manhole on said line; thence, S 38° 13' 32" E for a distance of 195.15 feet to an iron pipe on said line; thence, N 47° 01' 54" E for a distance of 52.24 feet to an iron pipe on said line; thence, S 87° 58' 06" E for a distance of 55.38 feet to a point marked on a manhole on said line; thence, S 42° 58' 06" E for a distance of 266.98 feet to an iron pipe; said iron pipe being the southwestern corner of the Evergreen Construction Company property described in Deed Book 2158, Page 434, of the Alamance County Register of Deeds, said iron pipe also being on the northwestern property line of the Perry Mitchell property described in Deed Book 2116, Page 837, of the Alamance County Register of Deeds; thence, S 46° 57' 47" W for a distance of

164.01 feet to an iron pipe, said iron pipe being the northwestern point of the Mitchell property, said iron pipe also being the northeastern point of the John B. Isley property described in Deed Book 93, Page 200, of the Alamance County Register of Deeds; thence, S 48° 15' 18" W for a distance of 299.36 feet to an iron pipe on the Isley line; thence, N 35° 12' 53" W for a distance of 663.64 feet to an iron pipe, said iron pipe being the southwestern corner of the Evergreen Construction Company property described in Deed Book 2414, Page 648, of the Alamance County Register of Deeds, thence, N 79° 40' 48" E for a distance of 199.67 feet to an iron pipe, said iron pipe being the southeastern corner of the Evergreen Construction property; thence, N 35° 10' 07" W for a distance of 219.88 feet to an iron pipe, said iron pipe being the northeastern corner of the Evergreen Construction Company property, said iron pipe also being on the southern line of the Auburn Spring Housing Associates, LLC property described in Deed Book 2411, page 835, of the Alamance County Register of Deeds; thence, S 87° 16' 50" E for a distance of 96.48 feet to an iron pipe along the Auburn Springs line; thence, N 35° 54' 27" E for a distance of 93.34 feet to an iron pipe on said line; thence, N 02° 43' 10" E for a distance of 64.49 feet to an iron pipe on said line; thence, N 07° 07' 54" W for a distance of 47.86 feet to a nail in the pavement on said line; thence N 08° 12' 57" E a distance of 40.00 feet to the POINT OF BEGINNING and more particularly describing a 6.80 acre tract of land.

Lot 3 - Evergreens Construction Company

BEGINNING at an iron pipe in the southern margin of Crouse Lane (SR 1163), said iron pipe being the northeast corner of the Auburn Trace Housing Associates, LLC, property described in Deed Book 2411, Page 828, of the Alamance County Register of Deeds; and running thence along a curve with a bearing of N 85° 29' 37" E, having a radius of 684.04 feet for a distance of 3.64 feet to an iron pipe along said right-of-way; thence, N 85° 24' 22" E for a distance of 154.07 feet to an iron pipe along said right-of-way, said point also being on the western line of the Waterfalls, LLC, property described in Deed Book 2376, Page 314, of the Alamance County Register of Deeds; thence, S 24° 10' 46" E for a distance of 150.04 feet to an iron pipe along the Waterfalls, LLC, line, said point being the southwestern corner of the Waterfalls, LLC, property; thence, N 57° 58' 54" E for a distance of 326.90 feet to an iron pipe on said line; thence, S 15° 16' 40" E for a distance of 405.47 feet to a stone on said line, said stone being the southwestern corner of the Waterfalls, LLC, property, said stone also being on the northern line of the David and Ann Isley property described in Deed Book 546, Page 772, of the Alamance County Register of Deeds; thence, S 46° 57' 47" W for a distance

of 452.68 feet to an iron pipe, said iron pipe being located on the northern property line of the Perry Mitchell property described in Deed Book 2116, Page 837, of the Alamance County Register of Deeds, said point also being the southwestern corner of the Auburn Trace property; thence, N 42° 58' 06" W for a distance of 266.98 feet to a point marked on a manhole along the Auburn Trace line; thence, N 87° 58' 06" W for a distance of 55.38 feet to an iron pipe on said line; thence, S 47° 01' 54" W for a distance of 52.24 feet to an iron pipe on said line; thence, N 38° 13' 32" W for a distance of 195.15 feet to a point marked on a manhole on said line; thence, N 03° 20' 26" E for a distance of 192.69 feet to an iron pipe on said line; thence, S 87° 16' 50" E for a distance of 88.70 feet to an iron pipe on said line; thence, N 14° 28' 45" E for a distance of 111.51 feet to an iron pipe on said line; thence N 04° 35' 38" W a distance of 40.00 feet to the POINT OF BEGINNING and more particularly describing a 7.16 acre tract of land.

**Lot 4 - Evergreens Construction Company**

BEGINNING at an iron pipe on the eastern line of Kirkpatrick Professional Center, LLC, at a corner with Auburn Springs Housing Associates, LLC, said iron pipe being located S 35°07'50" E a distance of 420.09 feet from an iron pipe marking the northwestern corner of the Auburn Springs Housing Associates, LLC, property described in Deed Book 2411, Page 835, of the Alamance County Register of Deeds and the northeast corner of the Kirkpatrick Professional Center, LLC property described in Deed Book 1662, Page 781, and the southern margin of Crouse Lane (SR #1163); running thence long the Auburn Springs line, N 79° 47' 14" E for a distance of 200.14 feet to an iron pipe, said iron pipe being on the southern line of the Auburn Springs Housing Associates, LLC, property described in Deed Book 2411, Page 835, of the Alamance County Register of Deeds, said point being the northwestern corner of the Auburn Trace Housing Associates, LLC, described in Deed Book 2411, Page 828; thence, S 35° 10' 07" E for a distance of 219.88 feet to an iron pipe, said iron pipe being on the western line of the Auburn Trace property; thence, S 79° 40' 48" W for a distance of 199.67 feet to an iron pipe, said iron pipe being the southeastern corner of the SCDI, LLC, property described in Deed Book 2125, Page 33, of the Alamance County Register of Deeds, said iron pipe also being the northeastern corner of the Kirkpatrick Professional Center, LLC, property described in Deed Book 1662, Page 781; thence N 35° 14' 16" W a distance of 220.42 feet to the POINT OF BEGINNING and more particularly describing a 0.92 acre tract of land.

Section 2. Upon and after May 18, 2010, at 11:59 pm, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington and shall be entitled to the same privileges and benefits as other parts of the City of Burlington. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Burlington shall cause to be recorded in the office of the Register of Deeds of Alamance County and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

B) To adopt a resolution approving a financing team to issue revenue bonds to pay for Jordan Lake mandates and required improvements to dams.

10-11

The City Council of the City of Burlington, North Carolina met in a regular meeting in the Council Chamber in the Municipal Building located at 425 South Lexington Street in Burlington, North Carolina, the regular place of meeting, at 7:00 p.m. on July 20, 2010.

Present: Mayor Ronnie K. Wall, presiding, and Councilmembers Huffman, Butler, Ross and Faucette

Absent: Councilmembers - None

Also present: City Manager Owen, City Attorney Ward, City Clerk Terry and Finance Director Reece

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Mayor Wall introduced the following resolution the title of which was read and copies of which had been previously distributed to each Councilmember:

RESOLUTION APPROVING THE FINANCING TEAM IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS BY THE CITY OF BURLINGTON, NORTH CAROLINA

BE IT RESOLVED by the City Council (the "City Council") of the City of Burlington, North Carolina (the "City"):

Section 1. The City Council does hereby find and determine as follows:

(a) The City, acting by and through the City Council, is authorized by the State and Local Government Revenue Bond Act of North Carolina, Article 5 of Chapter 159 of the North Carolina General Statutes, as amended (the "Act"), to issue revenue bonds for the purpose of financing the costs associated with the acquisition, construction, reconstruction, enlargement, equipping, extension, betterment or improvement of water systems and facilities, sewage disposal systems and facilities and electric systems and facilities and to refund revenue bonds issued for such purposes.

(b) The City intends to create a combined enterprise system (the "Combined Enterprise System") pursuant to a Trust Agreement to be entered into by the City (the "Trust Agreement"). The Trust Agreement will provide for the issuance of Combined Enterprise System Revenue Bonds thereunder, to be secured by the net receipts of the Combined Enterprise System as set forth therein, to finance improvements to the Combined Enterprise System and to refund bonds previously issued pursuant to the Trust Agreement.

(c) The City has assembled a financing team to assist with the creation of the Combined Enterprise System and the issuance of the initial series of Combined Enterprise System Revenue Bonds under the Trust Agreement.

Section 2. The following financing team members are hereby approved by the City in connection with the proposed revenue bonds, and the City requests that the Local Government Commission approve the same:

Bond Counsel: Womble Carlyle Sandridge & Rice, PLLC

Underwriters: Wells Fargo Bank, N.A.  
BB&T Capital Markes,  
a division of Scott & Stringfellow, LLC

Underwriters' Counsel: Sands Anderson PC

Financial Advisor: Davenport & Company LLC

Section 3. This resolution shall take effect immediately upon its passage.

Upon motion of Councilmember Faucette, seconded by Councilmember Butler, the foregoing resolution entitled "RESOLUTION APPROVING THE FINANCING TEAM IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS BY THE CITY OF BURLINGTON, NORTH CAROLINA" was passed by the following vote:

Ayes: Wall, Huffman, Butler, Ross and Faucette

Noes: None.

Upon motion by Councilmember Faucette, seconded by Councilmember Butler, it was resolved unanimously to approve the foregoing consent agenda.

#### PUBLIC HEARINGS:

#### ITEM 2: REZONING - ALAMANCE CROSSING

Mayor Wall announced that a public hearing had been scheduled to consider an amendment to a Conditional Business rezoning for Alamance Crossing approved by City Council April 20, 2004. The request is to allow for the development of Alamance Crossing West and for the creation of outparcels. The property is located on the northeast corner of St. Mark's Church Road and Boone Station Drive as shown on Alamance County Tax Map 3-24, Lots 18, 19, 22 and 24.

Mr. Mark Jones, Vernon, Vernon, Wooten, Brown, Andrews & Garrett, PA, representing CBL & Associates Properties, Inc., requested to amend a Conditional Business rezoning for the development of Alamance Crossing West and for the creation of outparcels. He explained that some of the tenants would be renting and some of them would be purchasing the property. He said it would add 200,000 square feet of retail space in Alamance Crossing. Mr. Jones said the request received a favorable recommendation from the Planning and Zoning Commission and the Planning staff.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Butler, it was resolved unanimously to close the public hearing.

Mayor Pro Tem Huffman moved for the adoption of the following ordinance:



ORDINANCE TO AMEND CONDITIONAL BUSINESS REZONING FOR ALAMANCE  
CROSSING WEST AND CREATION OF OUTPARCELS

BE IT ORDAINED by the City Council of the City of Burlington,  
North Carolina:

Section 1. That CBL & Associates Properties, Inc., has requested that the Conditional Business rezoning previously approved for Alamance Crossing on April 20, 2004, be amended to allow for the development of Alamance Crossing West and for the creation of outparcels. The property is located on the northeast corner of St. Mark's Church Road and Boone Station Drive as shown on Alamance County Tax Map 3-24, Lots 18, 19, 22 and 24.

Section 2. That the amendment to the Conditional Business rezoning allowing for the development of Alamance Crossing West and for the creation of outparcels is hereby authorized subject to the property complying with all previously approved Use and Development Conditions.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed including site plans and other submissions, unless subsequently changed or amended as provided for in the City of Burlington Zoning Ordinance.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in the City of Burlington Code of Ordinances and Zoning Ordinance.

Section 5. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Butler, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate

passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler, Ross and Faucette.

ITEM 3: REZONING - HOLLY HILL MALL

Mayor Wall announced that a public hearing had been scheduled to consider an amendment to a Conditional Business rezoning for Holly Hill Mall approved by City Council June 15, 2010. The request is to allow one parking space for every 250 square feet of building space and to allow for the creation of outparcels. The property is located on the southwest corner of South Church Street and Huffman Mill Road as shown on Alamance County Tax Map 3-18-20.

Mr. Mark Jones, Vernon, Vernon, Wooten, Brown, Andrews and Garrett, PA, representing Holly Hill Mall, LLC, and a group of local businessmen who are revitalizing that area, requested one parking space for every 250 square feet of building space and for the creation of outparcels as indicated on the map. Mr. Jones pointed out the request was coming to Council with a favorable recommendation from the Planning and Zoning Commission and the Planning staff.

Upon motion by Councilmember Faucette, seconded by Councilmember Ross, it was resolved unanimously to close the public hearing.

Mayor Pro Tem Huffman moved for the adoption of the following ordinance:

10-20

ORDINANCE TO AMEND CONDITIONAL BUSINESS REZONING FOR HOLLY HILL MALL, LLC, PREVIOUSLY APPROVED BY CITY COUNCIL JUNE 15, 2010

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That Holly Hill Mall, LLC, has requested that the Conditional Business rezoning previously approved on June 15, 2010, be amended to allow one parking space for every 250 square feet of building space and to allow for the creation of outparcels. The property is located on the southwest corner of South Church Street and Huffman Mill Road as shown on Alamance County Tax Map 3-18-20.

Section 2. That the amendment to the Conditional Business rezoning allowing the change to one parking space for every 250 square feet of building space and to allow for the creation of outparcels is hereby authorized subject to the property complying with all previously approved Use and Development Conditions as well as the following additional Development Conditions:

Development Conditions

I. Parking:

Currently, there exists 497,339 square feet of retail and restaurant space on the property, consisting of the mall itself, Sears Auto Center, Starbucks, Longhorn, Prego's and Wachovia. Currently, there are 2,240 parking spaces on the property of which 52 are designated handicapped which makes the existing parking ratio one parking space per 220 square feet of building space.

The proposed amendment to the Conditional Business rezoning will allow for one parking space per 250 square feet of building space, which is the same Conditional Business zoning standard previously approved for other Conditional Business development.

II. Subdivision:

Currently, the property is divided into three parcels: the mall (8854670951); the lot on which Starbucks is located (8854575041); and the lot on which Wachovia is located (8854588468). There are currently six buildings on the property, including the mall.

It is proposed that the Conditional Business rezoning be amended to allow for the subdivision and creation of a total of ten outparcels. Specifically, it is proposed that five outparcels be created where no structures now exist, and Sears Auto Center, Longhorn, Prego's, Wachovia and Starbucks be allowed to exist on their own outparcels making a total of ten outparcels on the approximately 41-acre property. The above proposal is graphically illustrated on a submitted site plan prepared by the L.E.A.D.S. Group, P.A. (Project Number 1-10-1005).

The proposed subdivision is more particularly described as follows:

1. Outparcel "A":

- a. Location: Near the southeastern corner of the property; to the right of Starbucks (as it appears on the submitted preliminary plan); and near the intersection of Anne Elizabeth Drive and Huffman Mill Road.
- b. Lot Size: 0.75 acres/32,800 square feet
- c. Public Water Access: Water shall be accessed from the adjacent Huffman Mill Road with simple extensions.
- d. Sewer Access: Public sewer lines shall be accessed from the adjacent Anne Elizabeth Drive.
- e. Road Frontage: Huffman Mill Road

2. Outparcel "B":

- a. Location: Near the southeastern corner of the property; to the right of Outparcel "A"; and near the intersection of Anne Elizabeth Drive and Huffman Mill Road.
- b. Lot Size: 0.75 acres/32,800 square feet
- c. Public Water Access: Water shall be accessed from the adjacent Huffman Mill Road with simple extensions.
- d. Sewer Access: Public sewer lines shall be accessed from the adjacent Anne Elizabeth Drive.
- e. Road Frontage: Huffman Mill Road

3. Outparcel "C":

- a. Location: Near the southwestern corner of the property at the intersection of Anne Elizabeth Drive and International Drive.
- b. Lot Size: 0.62 acres/26,700 square feet.
- c. Public Water Access: Water shall be accessed from the adjacent International Drive with simple extensions.

d. Sewer Access: Public sewer lines shall be accessed from the adjacent International Drive with simple extensions.

e. Road Frontage: Anne Elizabeth Drive and International Drive

4. Outparcel "D":

a. Location: Near the northwestern corner of the property; to the right of Wachovia (as it appears on the submitted preliminary plan); and near the intersection of International Drive and South Church Street.

b. Lot Size: 0.80 acres/35,000 square feet

c. Public Water Access: Water shall be accessed from the adjacent South Church Street with simple extensions.

d. Sewer Access: Public sewer lines shall be accessed from the adjacent International Drive.

e. Road Frontage: South Church Street

5. Outparcel "E":

a. Location: Near the northwestern corner of the property; to the left of Wachovia (as it appears on the submitted preliminary plan); and near the intersection of International Drive and South Church Street.

b. Lot Size: 0.67 acres/29,240 square feet

c. Public Water Access: Water shall be accessed from the adjacent International Drive with simple extensions.

d. Sewer Access: Public sewer lines shall be accessed from the adjacent International Drive with simple extensions.

e. Road Frontage: International Drive

6. Wachovia Outparcel (existing tax parcel):

- a. Location: Near the northwestern corner of the property at the intersection of International Drive and South Church Street.
- b. Lot Size: 1.37 acres/59,677 square feet
- c. Public Water Access: Water is already provided from the adjacent Huffman Mill Road.
- d. Sewer Access: Public sewer from adjacent International Drive is already servicing this parcel.
- e. Road Frontage: South Church Street and International Drive.

7. Sears Auto Center Outparcel:

- a. Location: Near the northeastern corner of the property at the intersection of South Church Street and Huffman Mill Road.
- b. Lot Size: 1.75 acres/76,230 square feet
- c. Public Water Access: Water is already provided from the adjacent South Church Street with simple extensions.
- d. Sewer Access: Public sewer from adjacent South Church Street is already servicing this parcel.
- e. Road Frontage: South Church Street and Anne Elizabeth Drive

8. Prego's Outparcel:

- a. Location: Near the northeastern corner of the property and the intersection of South Church Street and Huffman Mill Road.
- b. Lot Size: 0.65 acres/28,314 square feet
- c. Public Water Access: Water is already provided from the adjacent South Church Street.
- d. Sewer Access: Public sewer from adjacent South Church Street is already servicing this parcel.

- e. Road Frontage: South Church Street

9. Longhorn Outparcel:

- a. Location: Near the northeastern corner of the property and the intersection of South Church Street and Huffman Mill Road.
- b. Lot Size: 1.50 acres/65,340 square feet
- c. Public Water Access: Water is already provided from the adjacent Huffman Mill Road.
- d. Sewer Access: Public sewer lines shall be accessed from the adjacent Huffman Mill Road by means of a sewer pump.
- e. Road Frontage: Huffman Mill Road

10. Starbucks Outparcel (existing tax parcel):

- a. Location: Near the southeastern corner of the property at the intersection of Huffman Mill Road and Anne Elizabeth Drive.
- b. Lot Size: .80 acres/34,848 square feet
- c. Public Water Access: Water is already provided from the adjacent Huffman Mill Road.
- d. Sewer Access: Public sewer lines shall be accessed from the adjacent Anne Elizabeth Drive.
- e. Road Frontage: Huffman Mill Road and Anne Elizabeth Drive

With the exception of nominal boundary adjustments that do not change the general location of the proposed outparcels, it is stipulated that no further subdivisions shall be proposed for the property and no further outparcels shall be created without an amendment to the Conditional Business rezoning. It is further stipulated that all proposed outparcels shall have internal access only.

III. Landscaping:

Landscaping shall be as is currently developed.

#### IV. Storm Drainage:

All new subdivided outparcels shall have drainage systems installed in accordance with the then existing requirements and regulations of the City of Burlington. The property owner(s) shall furnish the City of Burlington, without cost, a duly signed good and sufficient easement conveying to the City permission to enter and cross the property as necessary for the purpose of performing any and all types of work related to the maintenance of existing storm drainage systems.

#### V. Other Development Conditions:

All other Development Conditions shall be in accordance with the general B-2 zoning district standards.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed including site plans and other submissions, unless subsequently changed or amended as provided for in the City of Burlington Zoning Ordinance.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in the City of Burlington Code of Ordinances and Zoning Ordinance.

Section 5. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Ross, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler, Ross and Faucette.

#### ITEM 4: COX TOYOTA ANNEXATION

Mayor Wall announced that a public hearing had been scheduled to consider the annexation petition of Cox Toyota.

Councilmember Butler requested to be recused from voting because he has a compensatory agreement with Cox Toyota.



Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Ross, it was resolved unanimously to allow Councilmember Butler to recuse himself from consideration on this item.

Planning and Economic Development Director Bob Harkrader stated that it was a voluntary annexation petition made pursuant to the conditional rezoning request for Cox Toyota that Council previously approved. He stated that if approved the annexation would become effective at 11:59 PM on July 20, 2010.

Councilmember Ross asked if the interstate highway would be annexed, and Mr. Harkrader answered that pursuant to state statute it would be brought into the City.

City Attorney Robert Ward agreed.

Mr. Donald Benson, 4101 Hansel Trace and a resident of Mackintosh on the Lake, asked for clarification, and Mayor Wall explained that the Cox Toyota property was being brought into the City limits of Burlington.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Faucette, it was resolved unanimously to close the public hearing.

Mayor Pro Tem Huffman moved for the adoption of the following ordinance:

10-21

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF BURLINGTON, NORTH CAROLINA

WHEREAS, the City Council has been permitted under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the City of Burlington Municipal Building at 7:00pm on July 20, 2010, after due notice by the publication on July 9, 2010; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burlington, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31 the following described territory is hereby annexed and made part of the City of Burlington as of July 20, 2010 at 11:59 pm.

Cox Toyota Contiguous Voluntary Annexation

A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, bounded on the north by the right-of-way line of Danbrook Road, bounded on the east by John A. Moody and by DISASH, LLC, bounded on the south by Macintosh, LLC, and Robert J. Paynor and bounded on the west by Macintosh, LLC, and being more particularly described as follows:

BEGINNING at an existing iron stake located on the southern right-of-way line of Danbrook Road, said iron pipe having North Carolina State Plane Coordinates of N: 842569.00, E:1844548.81, and being located N89°00'37"E, 870.13 feet along the ground from NCGS Monument "LIMIT", said iron pipe being a common corner with Macintosh, LLC, as recorded in Deed Book 2092, Page 534, of the Alamance County Register of Deeds;

THENCE, with the southern right-of-way line of Danbrook Road the following six calls: (1) N86°04'16"E, 568.24 feet to an existing iron pipe; (2) N86°14'24"E, 676.02 feet to a right-of-way disk; (3) S03°30'17"E, 8.64 feet to a right-of-way disk; (4) N86°33'09"E, 576.53 feet to a right-of-way disk; (5) on a curve to the right having a chord of N87°40'20"E, 88.23 feet, a radius of 2257.21 and an arc length of 88.23 feet to an existing iron pipe; (6) on a curve to the right having a chord of S86°30'28"E, 369.92 feet, a radius of 2257.21 and an arc length of 370.34 feet to an existing iron pipe, a corner with Dishash LLC, Deed Book 2353, Page 358, in the southern right-of-way line of Danbrook Road, said iron also being on the centerline of West Buckhill Trail, a private road easement described in Deed Book 358, Page 276, and shown on Plat Book 17 Page 48;

THENCE, with West Buckhill Trail, S19°36'09"W, 643.29 feet to an existing iron pipe, a corner with Robert J. Raynor, Deed Book 923, Page 757;

THENCE, with Raynor, N89°23'29"W, a total of 458.39 feet to an existing iron pipe, a corner with Macintosh, LLC, Deed Book 2542, Page 707;

THENCE, with Macintosh, LLC, N89°26'53"W, 895.57 feet to an existing iron pipe;

THENCE, continuing with Macintosh, LLC, N89°40'40"W, 131.91 feet to an existing iron pipe, a corner with Macintosh, LLC, Deed Book 2092, Page 534;

THENCE, with Macintosh, LLC, N55°28'03"W, 399.67 feet to an existing iron pipe;

THENCE, continuing with Macintosh, LLC, N19°43'03"W, 301.91 feet to an existing iron pipe in the southern right-of-way line of Danbrook Road, the Place and Point of Beginning, having a total area of 25.155 acres, more or less.

Section 2. Upon and after July 20, 2010 at 11:59 pm, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington and shall be entitled to the same privileges and benefits as other parts of the City of Burlington. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Burlington shall cause to be recorded in the office of the Register of Deeds of Alamance County and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

The foregoing ordinance was seconded by Councilmember Ross, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Ross and Faucette. Councilmember Butler abstained from voting.

#### PUBLIC COMMENT PERIOD

There were no public comments.

## CITY COUNCIL COMMENTS

- Mayor Wall - Reminded everyone that the City Council meeting had been changed to Wednesday, August 4, 2010 due to National Night Out being held on Tuesday, August 3, 2010.
- Councilmember Faucette commended City staff on the Apple Street project for providing a place for residents to walk along Apple Street. He explained that it was a safety issue and that the residents understood and appreciated the asphalt walking area.
- Mayor Wall - Commended Chief Williams on his presentation at the work session on Traffic Stop ID standards.
- Bob Harkrader reviewed the political signs policy as regulated by the Zoning Ordinance:
  - Political signs cannot be erected prior to 60 days before an election and must be removed within 10 days after the election.
  - Placement restrictions do not allow signs on utility poles or in rights-of-way.
  - Signs cannot block views in intersections.
  - Enforcement actions are on a complaint basis.
  - Sign size is limited to 32 square feet.
  - Signs are allowed in yards and on private property with the owner's permission.
  - Complaints can be made to the Planning Department at 336-222-5110 or to CBC, 336-222-5024.
  - City does not regulate content on bulletin boards.
- Mayor Wall commended Times-News reporter Michael Abernethy for a job well done and recognized his replacement, Chris Lavender. Council wished Mr. Abernethy well in his new position covering the court system.
- Mayor Wall referred to a letter concerning a K-40 Field Day Operation for amateur radio operators that took place on June 26, 2010, at Joe Davidson Park. It was a training exercise in setting up emergency communications equipment in situations when normal equipment would not be operational. Chip Ferguson, Byron Tucker, Brodie Fitch and many others participated.

ADJOURN:

Upon motion by Councilmember Ross, seconded by Councilmember Butler, it was resolved unanimously to adjourn.

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Jondeen D. Terry  
City Clerk